
By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: February 5, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Issuance of Citations - Dangerous Weapons and Gambling**

3 FOR the purpose of authorizing the issuance of citations for certain offenses in
4 Baltimore City relating to dangerous weapons and gambling; establishing that a
5 citation may be issued by a police officer authorized to make arrests in
6 Baltimore City; establishing that a citation can be issued only if there is certain
7 probable cause; establishing the required contents of a citation; requiring the
8 agency issuing the citation to forward the citation to the appropriate court;
9 requiring the court to promptly schedule a certain case for trial and issue a
10 certain summons; establishing that the failure to respond to a certain summons
11 is contempt of court; and generally relating to the issuance of citations in
12 Baltimore City.

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Law
15 Section 4-101 and 12-102
16 Annotated Code of Maryland
17 (2002 Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Criminal Law**

21 4-101.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "Nunchaku" means a device constructed of two pieces of any
24 substance, including wood, metal, or plastic, connected by any chain, rope, leather, or
25 other flexible material not exceeding 24 inches in length.

26 (3) (i) "Pepper mace" means an aerosol propelled combination of
27 highly disabling irritant pepper-based products.

28 (ii) "Pepper mace" is also known as oleoresin capsicum (o.c.) spray.

1 (4) "Star knife" means a device used as a throwing weapon, consisting of
2 several sharp or pointed blades arrayed as radially disposed arms about a central
3 disk.

4 (5) (i) "Weapon" includes a dirk knife, bowie knife, switchblade knife,
5 star knife, sandclub, metal knuckles, razor, and nunchaku.

6 (ii) "Weapon" does not include:

7 1. a handgun; or

8 2. a penknife without a switchblade.

9 (b) This section does not prohibit the following individuals from carrying a
10 weapon:

11 (1) an officer of the State, or of any county or municipal corporation of
12 the State, who is entitled or required to carry the weapon as part of the officer's
13 official equipment, or by any conservator of the peace, who is entitled or required to
14 carry the weapon as part of the conservator's official equipment, or by any officer or
15 conservator of the peace of another state who is temporarily in this State;

16 (2) a special agent of a railroad;

17 (3) a holder of a permit to carry a handgun issued under Title 5, Subtitle
18 3 of the Public Safety Article; or

19 (4) an individual who carries the weapon as a reasonable precaution
20 against apprehended danger, subject to the right of the court in an action arising
21 under this section to judge the reasonableness of the carrying of the weapon, and the
22 proper occasion for carrying it, under the evidence in the case.

23 (c) (1) A person may not wear or carry a dangerous weapon of any kind
24 concealed on or about the person.

25 (2) A person may not wear or carry a dangerous weapon, chemical mace,
26 pepper mace, or a tear gas device openly with the intent or purpose of injuring an
27 individual in an unlawful manner.

28 (3) (i) This paragraph applies in Anne Arundel County, Baltimore
29 County, Caroline County, Cecil County, Harford County, Kent County, Montgomery
30 County, Prince George's County, St. Mary's County, Talbot County, Washington
31 County, and Worcester County.

32 (ii) A minor may not carry a dangerous weapon between 1 hour
33 after sunset and 1 hour before sunrise, whether concealed or not, except while:

34 1. on a bona fide hunting trip; or

35 2. engaged in or on the way to or returning from a bona fide
36 trap shoot, sport shooting event, or any organized civic or military activity.

1 (d) (1) A person who violates this section is guilty of a misdemeanor and on
2 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
3 \$1,000 or both.

4 (2) For a person convicted under subsection (c)(1) or (2) of this section, if
5 it appears from the evidence that the weapon was carried, concealed or openly, with
6 the deliberate purpose of injuring or killing another, the court shall impose the
7 highest sentence of imprisonment prescribed.

8 (E) (1) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY IN BALTIMORE
9 CITY.

10 (2) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED BY A
11 CITATION.

12 (3) A CITATION FOR A VIOLATION OF THIS SECTION MAY BE ISSUED BY A
13 POLICE OFFICER AUTHORIZED TO MAKE ARRESTS.

14 (4) A PERSON AUTHORIZED UNDER THIS SUBSECTION TO ISSUE A
15 CITATION SHALL ISSUE IT IF THE PERSON HAS PROBABLE CAUSE TO BELIEVE THAT
16 THE PERSON IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

17 (5) A CITATION ISSUED UNDER THIS SUBSECTION SHALL CONTAIN:

18 (I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

19 (II) THE STATUTE ALLEGEDLY VIOLATED;

20 (III) THE LOCATION, DATE, AND TIME THAT THE VIOLATION
21 OCCURRED;

22 (IV) THE FINE OR TERM OF IMPRISONMENT THAT MAY BE IMPOSED;

23 (V) A NOTICE STATING THAT PREPAYMENT OF A FINE IS NOT
24 ALLOWED;

25 (VI) A NOTICE THAT THE COURT SHALL PROMPTLY SEND THE
26 PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL; AND

27 (VII) THE SIGNATURE OF THE PERSON ISSUING THE CITATION.

28 (6) (I) THE POLICE OFFICER WHO ISSUED THE CITATION SHALL
29 FORWARD TO THE APPROPRIATE COURT A COPY OF THE CITATION.

30 (II) THE COURT SHALL PROMPTLY SCHEDULE THE CASE FOR TRIAL
31 AND SUMMON THE DEFENDANT TO APPEAR.

32 (III) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO THE
33 SUMMONS IS CONTEMPT OF COURT.

1 12-102.

2 (a) A person may not:

3 (1) bet, wager, or gamble;

4 (2) make or sell a book or pool on the result of a race, contest, or
5 contingency;

6 (3) establish, keep, rent, use, or occupy, or knowingly allow to be
7 established, kept, rented, used, or occupied, all or a part of a building, vessel, or place,
8 on land or water, within the State, for the purpose of:

9 (i) betting, wagering, or gambling; or

10 (ii) making, selling, or buying books or pools on the result of a race,
11 contest, or contingency; or

12 (4) receive, become the depository of, record, register, or forward, or
13 propose, agree, or pretend to forward, money or any other thing or consideration of
14 value, to be bet, wagered, or gambled on the result of a race, contest, or contingency.

15 (b) A person who violates this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment for not less than 6 months and not exceeding 1
17 year or a fine of not less than \$200 and not exceeding \$1,000 or both.

18 (C) (1) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY IN BALTIMORE
19 CITY.

20 (2) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED BY A
21 CITATION.

22 (3) A CITATION FOR A VIOLATION OF THIS SECTION MAY BE ISSUED BY A
23 POLICE OFFICER AUTHORIZED TO MAKE ARRESTS IN BALTIMORE CITY.

24 (4) A PERSON AUTHORIZED UNDER THIS SUBSECTION TO ISSUE A
25 CITATION SHALL ISSUE IT IF THE PERSON HAS PROBABLE CAUSE TO BELIEVE THAT
26 THE PERSON IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

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8 (II) THE COURT SHALL PROMPTLY SCHEDULE THE CASE FOR TRIAL
9 AND SUMMON THE DEFENDANT TO APPEAR.

10 (III) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO THE
11 SUMMONS IS CONTEMPT OF COURT.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2004.